

01-28-05

JFW



EXPRESS MAIL LABEL NO.: EV517776185US

PATENT

Attorney Docket No. 29912-711.401

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application

PATENT APPLICATION

Inventors(s): Leonard Kowalsky et al

Art Unit: 3738

Application No.: 10/798,728

Examiner: Not yet assigned

Filed: March 10, 2004

Customer No.: 021971

Title: System and Method to Effect the Mitral Valve Annulus of a Heart

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97

Sir:

Applicants hereby submit an Information Disclosure Statement along with attached form(s) PTO/SB/08. A copy of each listed publication is being submitted herewith, along with a concise explanation of information in a foreign language, if any, pursuant to 37 C.F.R. §1.97-1.98.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. Applicants further request that the Examiner initial and return the attached form(s) PTO/SB/08 in accordance with MPEP §609.

Applicants reserves the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, prior art or material to patentability as defined in §1.56.



This statement qualifies under 37 C.F.R. §1.97, subsection (b) because:



(1) It is being filed within 3 months of the application filing date and is other than a continued prosecution application under § 1.53(d)

-- OR --



(2) It is being filed within 3 months of entry of a national stage

-- OR --



(3) It is being filed before the mail date of the first Office Action on the merits

-- OR --



(4) It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.



37 C.F.R. §1.97(c). If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application; (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; or (3) the mailing date of a first Office action on the merits, but before the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, then:



a certification as specified in §1.97(e) is provided below; **or**



a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.



37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, but before payment of the issue fee, then:

A. a certification as specified in §1.97(e) is completed below; and

B. a petition under 37 C.F.R. §1.97(d) requesting consideration of this statement is submitted herewith; **and**

C. a fee of \$130.00 as set forth in §1.17(i)(1) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.



Copies of each of the references listed on the attached Form PTO/SB/08 are enclosed herewith.



Copies of references listed on the attached Form PTO/SB/08 are enclosed herewith EXCEPT THAT:



In view of the voluminous nature of references, and the likelihood that these references are available to the Examiner in the file history of the parent application (Serial No. _____), copies are not enclosed herewith.

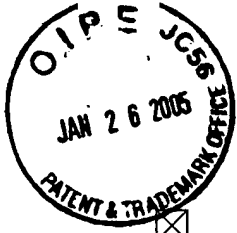


If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.



Copies of only foreign patent documents and non-patent literature are enclosed in accordance with 37 CFR 1.98 (a)(2). (The U.S. patents and each U.S. patent application publication listed on the attached Form PTO-1449 are not enclosed because this U.S. patent application was filed after June 30, 2003 or this





international application has entered the national stage under 35 USC §371 after June 30, 2003 (see USPTO waiver of requirement under 37 CFR 1.98 (a)(2)(i).


- ☒ There are no listed references which are not in the English language.
- ☐ The relevance of those listed references which are not in the English language is as follows: []
- ☐ Attached are copies of search report(s) from corresponding patent application(s), submitted in accordance with MPEP 609 D in support of the attached certification under 37 CFR 1.97(e)(1).
- ☐ Attached are the following non-published pending patent applications which may be deemed relevant.
- ☒ *Fee Authorization.* The Commissioner is hereby authorized to charge the above-referenced fees of \$0.00 and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 23-2415 (Docket No. 29912-711.401«CaseNumber»).

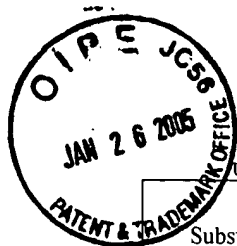
Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI

Dated: 1/25/05

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PTO/SB/08A (08-03)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known	
				Application Number	10/798,728
				Filing Date	March 10, 2004
				First Named Inventor	Leonard Kowalsky et al.
				Art Unit	3738
				Examiner Name	Not yet assigned
Sheet	1	of	8	Attorney Docket Number 29912-711.401	

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US4055861	11/1/1977	Carpentier et al.	
		US4164046	8/14/1979	Cooley	
		US4588395	5/13/1986	Lemelson	
		US4485816	12/4/1984	Krumme	
		US4550870	11/5/1985	Krumme et al.	
		US4830023	5/16/1989	de Toledo et al.	
		US5061277	10/29/1991	Carpentier et al.	
		US5350420	7/27/1994	Cosgrove et al.	
		US5261916	11/16/1993	Engelson	
		US5265601	11/30/1993	Mehra	
		US5250071	10/5/1993	Palermo	
		US5676671	10/14/1997	Inoue	
		US5733325	3/31/1998	Robinson et al	
		US5891193	4/6/1999	Robinson et al.	
		US5935161	8/10/1999	Robinson et al	
		US6027517	2/22/2000	Crocker et al.	
		US5562698	10/8/1996	Parker	
		US5514161	5/7/1996	Limousin	
		US5584867	12/17/1996	Limousin et al.	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)				
		GB0741604	12/7/1955	S. & R. J. Everett & Company		
		WO 98/056435-A1	12/17/1998	Micro Therapeutics, Inc.		
		EP0893133-A1	1/27/1999	Medex		
		EP1050274-A1	11/8/2000	Medical Industries Corporation		
		WO 00/044313-A1	8/3/2000	Viacor, Inc.		
		WO 00/060995-A3	10/19/2000	Evalve, Inc.		

Examiner Signature	Date Considered
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		Number-Kind Code ² (if known)			
		US5899882	5/4/1999	Waksman et al.	
		US5554177	9/10/1996	Kieval et al.	
		US5601600	2/11/1997	Ton	
		US6352553-B1	3/5/2002	van der Burg et al.	
		US5908404	6/1/1999	Elliot	
		US6077295	6/20/2000	Limon et al.	
		US5824071	10/20/1998	Nelson et al.	
		US5895391	4/20/1999	Farnholtz	
		US6395017-B1	5/28/2002	Dwyer et al.	
		US6352561-B1	3/5/2002	Leopold et al.	
		US5961545	10/5/1999	Lentz et al.	
		US6275730-B1	8/14/2001	KenKnight et al.	
		US5984944	11/16/1999	Forber	
		US6096064	8/1/2000	Routh	
		US5928258	7/27/1999	Khan et al.	
		US6099552	8/8/2000	Adams	
		US6129755	10/10/2000	Mathis et al.	
		US6190406-B1	2/20/2001	Duerig et al.	
		US6342067-B1	1/29/2002	Mathis et al.	

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Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)				
		WO 01/000111-A1	1/4/2001	Solem et al.		
		WO01/30248	5/3/2001	Mark A. Reiley		
		EP1095634-A2	5/2/2001	Cordis Corporation		
		WO 01/050985-A1	7/19/2001	Viacor, Inc.		
		WO 01/054618-A1	8/2/2001	Mitralife		
		WO 01/087180-A2	11/22/2001	Gaber		

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		Number-Kind Code ² (if known)			
		US6503271-B1	1/7/2003	Duerig et al.	
		US6077297	6/20/2000	Robinson et al.	
		US6623521-B1	9/23/2003	Steinke et al.	
		US6099549	8/8/2000	Bosma et al.	
		US6602289-B1	8/5/2003	Colvin et al.	
		US2002/0035361-A1	3/21/2002	Houser et al.	
		US2003/0018358-A1	1/23/2003	Saadat	
		US626899-B1	9/30/2003	Houser et al.	
		US2001/0018611-A1	8/30/2001	Solem et al.	
		US2003/0069636-A1	4/10/2003	Solem et al.	
		US6210432-B1	4/3/2001	Solem et al.	
		US2001/0049558-A1	12/6/2002	Liddicoat et al.	
		US2001/0044568-A1	11/22/2001	Langberg et al.	
		US2002/0016628-A1	2/7/2002	Langberg et al.	
		US6402781-B1	6/11/2002	Langberg et al.	
		US6537314-B1	3/25/2003	Langberg et al.	
		US2004/0176840A1	9/9/2004	Jonathan J. Langberg	
		US6358195-B1	3/19/2002	Green et al.	
		US6569198-B1	5/27/2003	Wilson et al.	

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		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)				
		WO 02/000099-A2	1/3/2002	Viacor, Inc.		
		WO 02/001999-A2	1/10/2002	Viacor, Inc.		
		WO 02/005888-A1	1/24/2002	Viacor, Inc.		
		WO 02/019951-A1	3/14/2002	Viacor, Inc.		
		WO 02/034118-A2	5/2/2002	Viacor, Inc.		
		WO 02/047539-A2	6/20/2002	Viacor, Inc.		

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				Art Unit	3738	
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Sheet	4	of	8	Attorney Docket Number		29912-711.401

U.S. PATENT DOCUMENTS

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		Number-Kind Code ² (if known)			
		US6442427-B1	8/27/2002	Boute et al.	
		US6589208-B1	7/8/2003	Ewers et al.	
		US2002/0042621-A1	4/11/2002	Liddicoat et al.	
		US2002/0042651-A1	4/11/2002	Liddicoat et al.	
		US6419696-B1	7/16/2002	Ortiz et al.	
		US2002/0055774-A1	5/9/2002	Liddicoat	
		US2002/0049468-A1	4/25/2002	Streeter et al.	
		US6602288-B1	8/5/2003	Cosgrove et al.	
		US6723038-B1	4/20/2004	Schroeder et al.	
		US2002/0095167-A1	7/18/2002	Liddicoat et al.	
		US2002/0065554-A1	5/30/2002	Streeter	
		US2002/0138044-A1	9/26/2002	Streeter et al.	
		US2002/0087173-A1	7/4/2002	Alferness et al.	
		US6,810,882	11/2/2004	Langberg et al.	
		US2002/0103533-A1	8/1/2002	Langberg et al.	
		US2002/0151961-A1	10/17/2002	Lashinski et al.	
		US2002/0183835-A1	12/5/2002	Taylor et al.	
		US2002/0183836-A1	12/5/2002	Liddicoat et al.	
		US6656221-B1	12/2/2003	Taylor et al.	

FOREIGN PATENT DOCUMENTS

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		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)				
		WO 02/053206-A2	7/11/2002	Cardiac Dimensions, Inc.		
		WO 02/062263-A2	8/15/2002	Viacor, Inc.		
		WO 02/062270-A1	8/15/2002	Solem et al.		
		WO 02/062408-A2	8/15/2002	Viacor, Inc.		
		WO 02/096275-A2	12/5/2002	Viacor, Inc.		
		WO 02/076284-A2	10/3/2002	Viacor, Inc.		

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		Number-Kind Code ² (if known)			
		US 6,790,231 B2	9/14/2004	Viacor, Inc.	
		US2003/0004572	1/2/2003	Goble et al.	
		US2002/0183837-A1	12/5/2002	Streeter et al.	
		US2002/0183841-A1	12/5/2002	Cohn et al.	
		US2002/0183838-A1	12/5/2002	Liddicoat et al.	
		US6718985-B2	4/13/2004	Hlavka et al.	
		US2002/0169502-A1	11/14/2002	Mathis	
		US6,800,090	11/14/2002	Alferness et al.	
		US2003/0078654-A1	4/24/2003	Taylor et al.	
		US6716158-B2	4/6/2004	Raman et al.	
		US2003/0078465-A1	4/24/2003	Pai et al.	
		US2003/0088305-A1	5/8/2003	Van Schie et al.	
		US2003/0130730-A1	7/10/2003	Cohn et al.	
		US2003/0083538-A1	5/1/2003	Adams et al.	
		US2003/0105520-A1	6/5/2003	Alferness et al.	
		US2004/0039443-A1	2/26/2004	Solem et al.	
		US2003/0130731-A1	7/10/2003	Vidlund et al.	
		US6764510-B2	7/20/2004	Vidlund et al.	
		US2003/0135267-A1	7/17/2003	Solem et al.	

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		WO 03/015611-A2	2/27/2003	Viacor, Inc.		
		WO 03/049647-A1	6/19/2003	Reitan		
		WO 03/059198-A2	7/24/2003	Viacor, Inc.		
		WO 03/063735-A2	8/7/2003	Cardiac Dimensions, Inc.		
		WO 04/045463-A2	6/3/2004	Adv. Cardio. Svstems		

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Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known		
				Application Number	10/798,728	
				Filing Date	March 10, 2004	
				First Named Inventor	Leonard Kowalsky et al.	
				Art Unit	3738	
				Examiner Name	Not yet assigned	
Sheet	6	of	8	Attorney Docket Number		29912-711.401

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US2004/0019377-A1	1/29/2004	Taylor et al.	
		US2003/0144697-A1	7/31/2003	Mathis et al.	
		US2004/0073302-A1	4/15/2004	Rourke et al.	
		US2003/0171776-A1	9/11/2003	Adams et al.	
		US6,797,001	9/11/2003	Mathis et al.	
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		US2004/0133220-A1	7/8/2004	Lashinski et al.	
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		US2004/0111095-A1	6/10/2004	Gordon et al.	
		US6,793,673	7/1/2004	Kowalsky et al.	
		US2004/0133240-A1	7/8/2004	Adams et al.	
		US2004/0153147	8/5/2004	Cardiac Dimensions, Inc	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)				
		WO2004/084746	10/7/2004	Reitan		

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				Filing Date	March 10, 2004
				First Named Inventor	Leonard Kowalsky et al.
				Art Unit	3738
				Examiner Name	Not yet assigned
Sheet	7	of	8	Attorney Docket Number	29912-711.401

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US2004/0193191 A2	9/30/2004	Guided Delivery Systems, Inc.	
		US2004/0158321A1	8/12/2004	Cardiac Dimensions, Inc	
		US2004-0220654	11/4/2004		
		US2004/0220657	11/4/2004	Cardiac Dimensions, Inc	
		US2004/0193260	9/30/2004	Alferness et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, . Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)				

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				Examiner Name	Not yet assigned
Sheet	8	of	8	Attorney Docket Number	29912-711.401

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		Papageorgiou, P., et al., "Coronary Sinus Pacing Prevents Induction of Atrial Fibrillation," Circulation 96: 1893-1898, Sept. 16, 1977.	

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